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# Attorneys Defendant Calvary Portfolio Services, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DENNIS SCHULTZ,  
Plaintiff,  
  
vs.  
  
CAVALRY PORTFOLIO  
SERVICES, LLC and DOES 1-10  
inclusive,  
Defendants.

} CASE NO. '13CV2969 L BGS

**NOTICE OF REMOVAL**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant Cavalry Portfolio Services, LLC  
3 (“Defendant”) hereby removes to this Court the state court action described below.

4 1. On November 5, 2013, a complaint was filed against Defendant by  
5 plaintiff Dennis Schultz (“Plaintiff”), in an action pending in the Superior Court of  
6 the State of California in and for the County of San Diego, entitled *Dennis Schultz v.*  
7 *Cavalry Portfolio Services, LLC, et al.*, case number 37-2013-00074212-CL-MC-  
8 NC. A copy of the state court Summons and Complaint (“Complaint”), the Civil  
9 Case Cover Sheet, and other documents issued by the state court that were served on  
10 Defendant are attached hereto as **Exhibit A**.

11 2. This removal petition is timely under 28 U.S.C. § 1446(b) because  
12 Defendant was served on November 12, 2013.

13 3. This action is a civil action of which this Court has original jurisdiction  
14 under 28 U.S.C. § 1331 and which may be removed to this Court by Defendant  
15 pursuant to the provisions of 28 U.S.C. § 1441(a) in that the Complaint asserts  
16 claims against Defendant allegedly arising under the Fair Debt Collection Practices  
17 Act, 15 U.S.C. §§ 1692, *et seq.* See Exhibit A, Complaint, ¶¶ 16, 28, 29 and 40-94.

18 4. As the Complaint was filed in the Superior Court of the State of  
19 California, County of San Diego, venue in this District is proper. See 28 U.S.C. §  
20 1441(a) (providing for removal “to the district court of the United States for the  
21 district and division embracing the place” where the state court action is pending); 28  
22 U.S.C. § 84(d) (The Southern District comprises the counties of Imperial and San  
23 Diego).

24 5. Defendant is represented by the undersigned.

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1 DATED: December 11, 2013

SIMMONDS & NARITA LLP  
TOMIO B. NARITA  
LINDSEY A. MORGAN

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By: s/Lindsey A. Morgan  
Lindsey A. Morgan  
Attorneys for defendant  
Cavalry Portfolio Services, LLC

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